



COMPTROLLER GENERAL OF THE UNITED STATES  
WASHINGTON, D.C. 20548

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B-176773

October 12, 1972

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Dear Mr. Secretary:

Reference is made to letter dated July 28, 1972, from the Assistant Secretary of the Air Force (Manpower and Reserve Affairs) requesting a decision as to whether the Joint Travel Regulations, Volume I, Chapter 8, may be changed to authorize nontemporary storage of household goods in cases where the household goods have been shipped and placed in temporary storage in the area of the member's new home port, but the member, because of an operational requirement of his unit, is absent from the area and unable to accept delivery prior to the expiration of the 180-day temporary storage period. If our reply is in the negative the Assistant Secretary asked whether the maximum period of temporary storage now authorized (180 days) may be extended by a period equivalent to the period of his absence due to operational requirements of his unit. The request has been assigned Control No. 72-33 by the Per Diem, Travel and Transportation Allowance Committee.

The Assistant Secretary says that in support of the recommended change it was stated that members ordered to mobile Navy units (ships) normally make their personal plans relative to movement of their families and household goods based on their new duty station's deployment schedule and that when their unit is deployed away from its home port members often elect to place their household goods in temporary storage at the new home port and defer delivery until after the unit returns from deployment and they have had an opportunity to locate suitable permanent quarters for their families.

However, it is said that these plans are disrupted when for some reason after they have reported for duty their unit does not return as scheduled and the member is unable to take delivery of his household goods as planned. In many cases this involves storage beyond the maximum 180-day limit and the member is then faced with the alternatives of requesting his wife or someone else to locate housing and accept delivery of the household goods or personally pay for the excess storage charges.

The Assistant Secretary also states that similar problems may arise when it is necessary to deploy a unit with little or no advance notice. Then newly reported members or members en route are often unable to locate housing and to accept delivery of their household goods before departing the home port area. As a result they face the same alternatives as members attached to extended deployed units.

PUBLISHED DECISION  
52 Comp. Gen. \_\_\_\_\_

Section 406, title 37, U. S. Code, provides for the transportation and storage of household effects of members of the uniformed services under such regulations as may be prescribed by the Secretary concerned. Subsection 406(b) authorizes temporary storage incident to a shipment while subsection 406(d) authorizes the nontemporary storage of baggage and household effects when it is considered more economical to the United States. The regulations relating to storage of household goods authorized to be prescribed are contained in the Joint Travel Regulations, Volume I, Chapter 8, paragraph M3100, referring to temporary storage and paragraph M3101 relating to nontemporary storage.

Temporary storage is storage authorized in connection with a shipment of permanent change-of-station weight allowance of household goods the right to which may accrue at place of origin, in transit, at destination or any combination thereof; whereas, nontemporary storage is that storage other than temporary which is authorized in lieu of shipment of such effects. Under the regulations temporary storage may be converted to nontemporary storage only when the goods are in temporary storage at the place of origin and the member is entitled pursuant to further permanent change-of-station orders to nontemporary storage or shipment as he may elect. Paragraph M3100-7, JTR.

Upon receipt of permanent change-of-station orders, a member is entitled to shipment of his household goods or, if authorized, may have his goods placed in nontemporary storage at Government expense. Thus, temporary storage in connection with a shipment and nontemporary storage which is in lieu of shipment are incompatible and combinations of shipment and nontemporary storage are not authorized.

In the circumstances described by the Assistant Secretary where the household goods have been shipped and placed in temporary storage at or near destination, the member has exercised his right of election to ship and there is no authority under the law to convert temporary storage to nontemporary storage which is in lieu of shipment, at the expiration of the 180-day temporary storage period allowed by the regulations.

With respect to extension of the 180-day temporary storage period of a member by a period equivalent to the period of his absence due to operational requirements of his unit, we are still of the view that storage in excess of 6 months, or the substantially similar period of 180 days, could not reasonably be considered as temporary within the contemplation of the statute. In our decision of December 12, 1961, 41 Comp. Gen. 402, regarding a proposal to extend temporary storage for more than 180 days, we said that any time limitation on the availability of a benefit may seem to be somewhat inequitable in that there will always be some instances where the member's unit is in a position of their control, will be extended beyond the 180-day period. However, unless, of course, ever, without Congressional approval, we do not believe the circumstances presented afford any basis for departing from the longstanding application of the limitation. Also see 48 Comp. Gen. 773 (1969).

B-176773

Accordingly, it must be concluded that the Joint Travel Regulations, Volume I, Chapter 8, may not legally be amended in the manner proposed.

Sincerely yours,

R.F.KELLER

[Deputy Comptroller General  
of the United States

The Honorable  
The Secretary of the Air Force